

United States District Court  
For the Northern District of California

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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 UNITED STATES OF AMERICA, No. C 05-00611 WHA

11 Plaintiff,

12 v.

13 DALE SCOTT HEINEMAN; KURT F.  
14 JOHNSON; THE DOREAN GROUP;  
15 WILLIAM JULIAN; FARREL J.  
16 LECOMPTE, JR.; SARA J. MAGOON; and  
17 CHARLES DEWEY TOBIAS,

**ORDER FINDING DEMANDS  
FOR ABATEMENT TO BE  
IMPROPERLY NOTICED**

Defendants.

18 Identical documents each called a “Constructive Notice and Demand for Abatement;  
19 Demand for Court of record; Request for Stay of PROCEEDINGS . . .” were filed by  
20 defendants Dale Scott Heineman and Kurt F. Johnson. Such requests must be filed as noticed  
21 motions pursuant to Federal Rules of Criminal Procedure 47 and 49, and Criminal Local Rule  
22 47-2. These filings do not meet the requirements because they are not noticed for hearing. The  
23 Court will not consider the motions until the defects are cured.

24 **IT IS SO ORDERED.**

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26 Dated: May 8, 2006

  
27 WILLIAM ALSUP  
28 UNITED STATES DISTRICT JUDGE